

# REPORT OF THE COMMITTEE ON BUDGET

## Voting Members:

Joey Manahan, Chair; Brandon J.C. Elefante, Vice-Chair;  
Ron Menor, Kymberly Marcos Pine, Tommy Waters

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Committee Meeting Held  
June 17, 2020

Honorable Ikaika Anderson  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Budget, which considered Bill 44 (2020) entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE HANAUMA BAY NATURE  
PRESERVE,"

transmitted by Departmental Communication 314 (2020), dated April 27, 2020 from the  
Department of Parks and Recreation, and which passed First Reading at the June 3, 2020  
Council meeting, reports as follows:

The purpose of the bill is to increase the entrance fee for nonresidents, increase  
the vehicle parking fee, and adopt an entrance fee for licensed motor vehicles entering  
the Hanauma Bay Nature Preserve.

The Director of Parks and Recreation testified in support of two proposed hand-  
carried CD1 versions of the bill. The Director of Emergency Services provided an update  
on the accomplishments of the Hanauma Bay Steering Committee.

Your Committee received remote testimony in support of the bill from the Friends  
of Hanauma Bay. No in-person testimony was received on the bill. Written testimony in  
support of the bill was received from one individual. Written testimony in opposition to  
the bill was received from the Hawaii Passenger and Property Carrier Association,  
Roberts Hawaii, and one individual.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON JUL 8 2020

COMMITTEE REPORT NO. 151

# REPORT OF THE COMMITTEE ON BUDGET

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Page 2

Your Committee considered and approved the hand-carried CD1 version (OCS2020-0598/6/15/2020 2:19 PM) to the bill that makes the following amendments:

- A. In SECTION 1, clarifies that the purpose of the ordinance is to, among other things, establish (as opposed to adopt) an entrance fee for licensed motor carriers (as opposed to licensed motor vehicles).
- B. Deletes SECTION 2 of the bill, renumbers all subsequent SECTIONS of the bill accordingly, and moves the new definitions that were being created in former SECTION 2 to new ROH Section 10-2.11(a)(4) in renumbered SECTION 2 (which sets forth ROH Section 10-2.11 in its entirety) so that the new definitions only apply to ROH Section 10-2.11(a)(3) and (4) instead of to all of ROH Chapter 10.
- C. In new renumbered SECTION 2:
  - 1. Revises the definitions of "common carrier by motor vehicle" and "contract carrier by motor vehicle" in new ROH Section 10-2.11(a)(4) to only reference the HRS Section where those definitions are set forth (HRS Section 271-4).
  - 2. Specifies in ROH Section 10-2.11(a)(2) that:
    - a. A \$1.00 parking fee would apply for vehicles operated by residents of Hawaii; and
    - b. A \$3.00 parking fee would apply for vehicles operated by nonresidents of Hawaii.

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## CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON

**JUL 8 2020**

COMMITTEE REPORT NO. **151**

## REPORT OF THE COMMITTEE ON BUDGET

### Voting Members:

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June 17, 2020  
Page 3

D. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Budget is in accord with the intent and purpose of Bill 44 (2020), as amended herein, and recommends that it pass Second Reading, be scheduled for a public hearing, and thereafter be referred back to Committee, in the form attached hereto, as Bill 44 (2020), CD1. (Ayes: Elefante, Manahan, Waters – 3; Noes: None; Excused: Menor, Pine – 2.)

Respectfully submitted,

  
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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON JUL 8 2020

COMMITTEE REPORT NO. 151



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**A BILL FOR AN ORDINANCE**

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RELATING TO HANAUMA BAY NATURE PRESERVE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to increase the entrance fee for nonresidents and vehicle parking fee and to establish an entrance fee for licensed motor carriers entering the Hanauma Bay Nature Preserve.

SECTION 2. Section 10-2.11, Revised Ordinance of Honolulu 1990, is amended to read as follows:

**"Sec. 10-2.11 Fees for Hanauma Bay Nature Preserve.**

(a) The following fees [~~shall be assessed~~] apply for entrance to the Hanauma Bay Nature Preserve:

(1) For nonresidents of Hawaii, 13 years of age and older, to enter the lower preserve (beyond the scenic lookout): [~~\$7.50~~] \$10.00 per person.

(2) For vehicles entering the preserve, [~~a \$4.00~~] the following parking [~~fee shall be assessed;~~] fees apply:

(A) For vehicles operated by residents of Hawaii: \$1.00; and

(B) For vehicles operated by nonresidents of Hawaii: \$3.00;

provided that [this parking fee shall] the parking fees specified in this subdivision must be refunded for all vehicles departing from the preserve within 15 minutes of their entry.

(3) For licensed motor carriers entering the preserve, the following fees apply:

(A) For motor vehicles that can accommodate 1 to 7 passengers: \$10.00;

(B) For motor vehicles that can accommodate 8 to 25 passengers: \$20.00; and



A BILL FOR AN ORDINANCE

(C) For motor vehicles that can accommodate 26 or more passengers:  
\$40.00.

(4) For purposes of this subdivision and subdivision (3):

"Common carrier by motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

"Contract carrier by motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

"Licensed motor carrier" shall mean a motor carrier with a current certificate of public convenience and necessity or permit issued by the public utilities commission authorizing the transportation of persons.

"Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle.

"Motor vehicle" means the same as defined in HRS Section 271-4, as may be amended or superseded.

- (b) The director of parks and recreation ~~[is authorized to]~~ may waive the fees provided by this section and ~~[to]~~ allow entry of any person to the Hanauma Bay Nature Preserve as part of an educational or promotional program or package made available or authorized by the city.
- (c) Customers of a commercial scuba diving and snorkeling permittee and the permittee shall pay the applicable fees established in ~~[subdivisions]~~ subsection (a)(1) and (a)(2).
- (d) Hawaiians entering the Hanauma Bay Nature Preserve to exercise their traditional and customary rights for subsistence, cultural, and religious purposes shall be exempt from paying the fees established in ~~[subdivisions]~~ subsection (a)(1) ~~[and/or (a)]~~ and (2) ~~[as the case may be]~~; provided that nothing in this subsection shall be construed as allowing activities ~~[which]~~ that may be otherwise prohibited by the ~~[Hawaii Revised Statutes]~~ state law or the administrative rules of the department of land and natural resources. For purposes of this section, "Hawaiian" means the same as defined in HRS Section 11-1."



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **44 (2020), CD1**

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**A BILL FOR AN ORDINANCE**

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SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Ikaika Anderson (br)

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DATE OF INTRODUCTION:

May 13, 2020  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu